



**CITY OF DANBURY**  
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**PLANNING COMMISSION**  
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**MINUTES**  
**JANUARY 20, 2021**

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The web based meeting hosted on Zoom was called to order by Chairman Finaldi at 7:30 PM.

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, and Arnold Finaldi Jr. Also present were Planning Director Sharon Calitro and Deputy Planning Director Jennifer Emminger.

Absent were Joel Urice and Alternates Kevin Haas and Gary Renz.

Mrs. Hoffstaetter made a motion to accept the January 7, 2021 minutes. Mr. Chiocchio seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi.

Chairman Finaldi then explained the Zoom meeting process and how the public could access this meeting. He added that all votes taken at this meeting would be by roll call.

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**PUBLIC HEARINGS:**

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780.

Chairman Finaldi read the legal notice of this hearing into the record. Attorney Neil Marcus spoke in favor of this application. He said the four properties total approximately 39,241 sq. ft. in size. The property located on Whitney Ave. is in the RA-8 zone and the remaining Newtown Rd. properties are in the CG-20 Zoning District. The properties are currently developed with a 4,075 sq. ft. commercial building (36 Newtown Rd.), a 3,700 sq. ft. office building (40 Newtown Rd.), and the remaining two properties on Newtown Rd. and Whitney Ave. are vacant. The plans show that both buildings are proposed to be demolished. He said a child daycare center is a special exception use in both RA-8 and CG-20 zones.

Matt Robillard, PE, from BL Companies and referred to an aerial photograph of the properties pointing out the one lot that is zoned residential. He then referred to the site plan saying the 10,000 sq.ft. building has an unusual footprint because it had to be completely located within the CG-20 zone. He said they are proposing a maintenance plan for the drainage; and added that there is an existing State drainage easement that is being relocated around the property. Access to the site will be through two driveways, a right-turn ingress and egress drive along Newtown Rd. and a one-way egress driveway on Whitney Ave. He said they are looking into a mountable island to limit this egress to right turn only onto Newtown Rd. The proposed use requires 25 parking spaces, including one handicapped space and the site plan shows 25 parking spaces, including two handicapped spaces. He said they are proposing to connect to existing water and sewer mains located in Newtown Rd. He continued saying that there is no kitchen proposed as there will be no cooking on the site. He said regarding erosion and sedimentation control; staff has let them know that their proposed construction entrance off of Whitney Ave. is undesirable. He then spoke briefly about the landscaping and lighting plans and said he is prepared to answer questions from the Commission.

Attorney Marcus spoke again saying that they had gone through the Department reports and have tried to address the issues. He added that this is not a large project; it is a small site on a well-traveled road. Lastly he said this would be a terrific upgrade to this site.

John Esposito, 44 Fairfield Ave., City Councilman for the 4th Ward, said he had some questions regarding the proposed exit onto Whitney Ave. He said the residents of this neighborhood are concerned about the potential impact this could have on them. He said this is a good development but he would like to see the exit issue addressed differently.

Farley Santos, 27 Westview Dr., City Councilman also for the 4th Ward, said he reviewed all the reports, studied the site plan, and the egress is the issue. He said the residents of Whitney Ave. are concerned because this will be a major upgrade to these properties and the entire area. He said daycare is an important business and asked that they continue to analyze the egress issue.

Mrs. Emminger read a letter from Virginia Benton, 4 Whitney Ave., which abuts the subject properties. The letter also said that she is not opposed to this project, but would request that a suitable fence be installed to maintain the residents privacy.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and several people responded.

Benjamin Chianese, 5 Briar Ridge Rd. , City Councilman for the 6th Ward, said he also is related to the property owner of 7 Whitney Ave. Mr. Chianese questioned if the RA-8 zone fits this use and if this use is appropriate for a residential neighborhood. He said the Planning Dept. staff report recommends these lots be combined into one, but it cannot be done because it would cause spot zoning. He suggested the Commission contact

Corporation Counsel's office to request a formal opinion on that issue. He then said the public's main concern is the proposed access onto Whitney Ave. He added that he had emailed the City Traffic Engineer but did not receive a response regarding the width of Whitney Ave. being inadequate for this use. He recommended the applicant ask the State for a traffic signal at this intersection. In closing he said he does not object to the application; his concern is about the traffic.

Paul Rotello, 13 Linden Pl., City Councilman for the 6th Ward, questioned what the difference is between a nursery school (permitted use) and a daycare center (special exception use). He then said that he needs to reiterate that this is a further dilution of commercial property into something else.

Barbara Case Chianese said she and David Case are co-owners of 7 Whitney Ave. and they are opposed to this because of the extra traffic it will bring onto a small neighborhood road. The road is only 20 feet in width and people park on both sides of the road making it even more dangerous.

Attorney Neil Marcus spoke in rebuttal to the opposition's comments. He said in response to Mr. Chianese, the Zoning Regulations don't refer to buildings, they refer to the use of the buildings. He said he would be curious to see what Corporation Counsel had to say. He continued saying that in response to Mr. Rotello, a nursery school is for a specific age group and usually operates within traditional hours; and a daycare center serves a larger age group and generally serves working parents by operating for longer hours. He then said the City has always favored this type of use in commercial zones, the issue is would this have a negative impact on Whitney Ave. He also pointed out that this use generates a different type of traffic than other commercial uses. He spoke about the drainage and then said based on trip generation, he does not think this would merit a traffic signal. Lastly he said everybody agrees that this is a good use that would be an upgrade to the area; so they will wait for the opinion from Corporation Counsel and a response from the City Traffic Engineer.

Mrs. Hoffstaetter made a motion to continue the public hearing. Mr. Salvagne seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chioocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi.

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At 8:40 PM, Chairman Finaldi said they would take a five-minute recess. At 8:45 PM, he called the meeting back to order.

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CONTINUATION OF PUBLIC HEARING:

JAR Associates LLC/D & B Wellness LLC – Application for Special Exception/Revised Site Plan Approval for a Medical Marijuana Dispensing Facility in the CA-80 Zone – 105 Mill Plain Road (C14063) – SE #779.

Attorney Neil Marcus said this had been continued to resolve some questions dealing with the proposed site modifications. Steven Hambrecht, Hambrecht-Oleson Design said since they do not have access to the additional piece of land in the rear of the site, he did the redesign to show 16 parking spaces and 1 handicapped parking space. He said they kept the 45° angle parking spaces, added a concrete sidewalk, and designated the egress as right turn only. He said they are also proposing to remove the canopy and curbing in the drive-up lane.

Attorney Marcus said the revised plans do not include the additional parcel in the rear because that parking was never approved as part of the previous site plan. He said the property owner, Mr. Rizzo, is working on acquiring the property which has been abandoned for many years. Attorney Marcus added that the plan is to get ownership of it and incorporate the additional area into the approved site plan.

Civil Engineer Ralph Gallagher said most of the Engineering Dept. comments were minor and he had addressed them on the revised plans. He said they are proposing to clean and connect the two dry wells on the site and there would be no increase in the amount of runoff from the site. He said he had added all of the things that were missing on the original site plan.

Paul Rotello, 13 Linden Pl., City Councilman for the 6th Ward, said he is in favor of this application and asked what the options are for the customers who have to wait outside the building due to COVID restrictions.

Duane Perkins, 22 Main St., City Councilman for the 5th Ward, asked if the issue of home delivery would be a part of this application or is it a separate topic under the decriminalization effort?

John Esposito, 44 Fairfield Ave., City Councilman for the 4th Ward, said he wanted to express his full support for this proposal.

Attorney Marcus asked Carl Tirella, the General Manager of three medical marijuana facilities in Connecticut, to address Mr. Perkins question regarding home delivery. Mr. Tirella said home delivery would make a lot of sense but it would require the State regulations to be re-written. He said they have strict identification policies that must be adhered to in order to prevent abuse. He said regarding customers having to wait on line, the reason they are moving from the Bethel location is because they have outgrown it. He said they have been looking at two different options to address this. One is to have the customers wait in their cars for a notification to come in (technology driven) and the other is adding an awning along the side of the building to protect the customers who are

waiting in line. He said the technology driven option is the number one choice because it protects the customers.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Chairman Finaldi asked Mrs. Emminger what reports they are still waiting for. She said they have received responses from all of the departments but the applicant submitted revisions yesterday and she has not received responses on those, nor has she had time to review the revisions yet. She suggested they keep the hearing open, as they also have to address the reduction in the number of parking spaces from thirty-four (34) to sixteen (16). Mr. Tirella said the property owner (Mr. Rizzo) thinks they will resolve the ownership of the rear property, but he has secured ten additional spaces on the adjacent Ryer property. Mrs. Emminger said having the lease agreement in place is crucial to this application. Attorney Marcus mentioned that since the Rizzo's have taken care of the rear parcel for many years, they could claim it under adverse possession and it will become part of the parking lot.

Mr. Chiocchio made a motion to continue the public hearing. Mr. Salvagne seconded the motion and it was passed by roll call vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi.

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#### REFERRALS:

8-3a Referral - Petition of BRT Sconset LLC to Amend Section 4.A.6. of the Zoning Regulations. (Add Active Adult Cluster Development to the RA-20 & RA-40 Zones.)  
*Public hearing scheduled for February 23, 2021. THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. This will be discussed at a future meeting.*

Chairman Finaldi noted that this matter is tabled until a future date.

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8-24 Referral January City Council Agenda Item #5: Lease Agreement for Tango Yankee LLC d/b/a Business Aircraft Center.

Mrs. Emminger explained that this is for a lease between a fixed base operator (FBO) at the Airport and the City. This agreement sets forth the terms to lease a portion of the Municipal Airport property for the purpose of conducting aeronautical activities, including operating as a fixed based operator. The 7 acre leased area is located south of the Kenosia Ave. airport entrance and west of the control tower and the Business Aircraft Center hanger. Sec. 7.1 of the lease agreement requires the tenant to “obtain from the

City the prior written approval of all plans and specifications for any and all construction, improvements or additions...” if it seeks to make improvements to the leased area. She added that this lease was approved by the Danbury Aviation Commission in December 2020. She said Staff has no objection to a positive recommendation subject to the review and approval of the lease by Corporation Counsel and any additional lease terms deemed appropriate by City Council. To clarify the approvals language, Council may wish to revise that portion of Sec. 7.1 to make specific reference to written approvals by all appropriate City departments, agencies, or land use commissions having jurisdiction. Mrs. Hoffstaetter made a motion to give this a positive recommendation subject to the review and approval of said lease by Corporation Counsel and any additional lease terms deemed appropriate by City Council. To clarify the approvals language, Council may wish to revise Section 7.1 to make specific reference to written approvals by all appropriate City departments, agencies, or land use commissions having jurisdiction. Mr. Chiochio seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi.

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Chairman Finaldi asked if there was anything to discuss under Other Matters and there was nothing. He said there was one floodplain permit listed under For Reference Only. He also noted that the Discussion & Possible Action on the proposed Capital Improvement Plan FY 21/22 – FY 26/27 is scheduled for the February 3, 2021 meeting.

At 9:20 PM, Mr. Chiochio made a motion to adjourn. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by roll call with ayes from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi.

Respectfully submitted,

JoAnne V. Read  
Planning Assistant